

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DUHAMEL BROADCASTING)	
ENTERPRISES,)	
)	
Plaintiff,)	8:06CV357
)	
v.)	
)	
MARKEL AMERICAN INSURANCE,)	ORDER
)	
Defendant.)	
_____)	

Before the court is defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Filing No. 29). Magistrate Judge Thomas D. Thalken granted (Filing No. 39) plaintiff's Motion to Amend (Filing No. 38), and the plaintiff filed an Amended Complaint (Filing No. 40) on October 26, 2006. Accordingly,

IT IS ORDERED that the defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Filing No. 29) is denied as moot.

DATED this 4th day of December, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief United States District Judge